



6-29-07

DAC/B exam

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PTO/SB/66 (10-05)

Approved for use through 04/30/2009. OMB 0651-0016

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF  
MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))**

Docket Number (Optional)

RECEIVED

Mail to: Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
Fax: (571) 273-8300

JUL 05 2007

OFFICE OF PETITIONS

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information  
at (571) 272-3282.

Patent No. 5,704,371 Application Number 08/611,642Issue Date 01/06/1998 Filing Date 03/06/1996

CAUTION: Maintenance fee (and surcharge, if any) payment must correctly identify: (1) the patent  
number (or reissue patent number, if a reissue) and (2) the application number of the  
actual U.S. application (or reissue application) leading to issuance of that patent to  
ensure the fee(s) is/are associated with the correct patent. 37 CFR 1.366(c) and (d).

**Also complete the following information, if applicable**

The above - identified patent:

- ☐ is a reissue of original Patent No. \_\_\_\_\_, original issue date \_\_\_\_\_;  
original application number \_\_\_\_\_,  
original filing date \_\_\_\_\_.
- ☐ resulted from the entry into the U.S. under 35 U.S.C. 371 of international  
application \_\_\_\_\_ filed on \_\_\_\_\_.

**CERTIFICATE OF MAILING (37 CFR 1.8(a))**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with  
the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope  
addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile  
transmitted to the U.S. Patent and Trademark Office on the date shown below.

June 27, 2007  
Date

Signature

Daniel J. Meaney, Jr.  
Typed or printed name of person signing Certificate

[Page 1 of 3]

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the  
USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete,  
including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on  
the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and  
Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS  
ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

07/02/2007 SDIRETA1 00000008 5704371

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01 FC:1599

1. SMALL ENTITY

☒ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

2. LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g).

3. MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition, unless it was paid earlier.

NOT Small Entity			Small Entity		
Amount	Fee	(Code)	Amount	Fee	(Code)
<input type="checkbox"/> \$ _____	3 1/2 yr fee	(1551)	<input type="checkbox"/> \$ _____	3 1/2 yr fee	(2551)
<input type="checkbox"/> \$ _____	7 1/2 yr fee	(1552)	<input checked="" type="checkbox"/> \$ <u>1,150</u>	7 1/2 yr fee	(2552)
<input type="checkbox"/> \$ _____	11 1/2 yr fee	(1553)	<input type="checkbox"/> \$ _____	11 1/2 yr fee	(2553)

MAINTENANCE FEE BEING SUBMITTED \$ 1,150

4. SURCHARGE

The surcharge required by 37 CFR 1.20(i)(2) of \$ 1,640 (Fee Code 1558) must be paid as a condition of accepting unintentionally delayed payment of the maintenance fee.

SURCHARGE BEING SUBMITTED \$ 1,640

5. MANNER OF PAYMENT

☒ Enclosed is a check for the sum of \$ 2,790.

☐ Please charge Deposit Account No. \_\_\_\_\_ the sum of \$ \_\_\_\_\_. A duplicate copy of this authorization is attached.

☐ Payment by credit card. Form PTO-2038 is attached.

6. AUTHORIZATION TO CHARGE ANY FEE DEFICIENCY

☒ The Director is hereby authorized to charge any maintenance fee, surcharge or petition deficiency to Deposit Account No. 13-2515. A duplicate copy of this authorization is attached.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

## 7. OVERPAYMENT

As to any overpayment made please

☒

Credit to Deposit Account No. 13-2515

OR

11

Send refund check.

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

## 8. STATEMENT

The delay in payment of the maintenance fee to this patent was unintentional.

9. PETITIONER(S) REQUEST THAT THE DELAYED PAYMENT OF THE MAINTENANCE FEE BE ACCEPTED AND THE PATENT REINSTATED.

Signature(s) of Petitioner(s)

June 27, 2007

Date \_\_\_\_\_

**Daniel J. Meaney, Jr.**

Typed or printed name(s)

22179

Registration Number, if applicable

805-687-6909

Telephone Number

P. O. Box 22307, Santa Barbara, California 93121

Address

Address

37 CFR 1.378(d) states: "Any petition under this section must be signed by an attorney or agent registered to practice before the Patent and Trademark Office, or by the patentee, the assignee, or other party in interest."

ENCLOSURES:

☒

**Maintenance Fee payment**

☒

Surcharge under 37 CFR 1.20(i)(2) (fee for filing the maintenance fee petition)

☒

COMMUNICATION, PETITION ETC. : CERTIFICATE OF FILING DOCUMENTS BY EXPRESS MAIL

~~RECEIVED~~

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**MAINTENANCE FEE TRANSMITTAL FORM****Address to:**  
**U.S. Patent and Trademark Office**  
**P.O. Box 371611**  
**Pittsburgh, PA 15250-1611**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611" on \_\_\_\_\_.

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Enclosed herewith is the payment of the maintenance fee(s) for the listed patent(s).

1. ☒ A check for the amount of \$ 2,790.00 for the full payment of the maintenance fee(s) and any necessary surcharge on the following patents is enclosed.
2. ☐ The Director is hereby authorized to charge \$ \_\_\_\_\_ to cover the payment of the fee(s) indicated below to Deposit Account No. \_\_\_\_\_. A duplicative copy of this form is enclosed.
3. ☐ The Director is hereby authorized to charge any deficiency in the payment of the required fee(s) or credit any overpayment to Deposit Account No. \_\_\_\_\_. A duplicative copy of this form is enclosed.
4. ☐ Payment by credit card. Form PTO-2038 is attached.

\* Information required by 37 CFR 1.366(c) (columns 1 &amp; 4). Information requested under 37 CFR 1.366(d) (columns 2, 3, &amp; 5)

Item	Patent Number*	Maintenance Fee Amount (37 CFR 1.20 (e)-(g))	Surcharge Amount (37 CFR 1.20(h))	U.S. Application Number* [e.g., 06/555,555]	Payment Year		
					Column 5		
	Column 1	Column 2	Column 3	Column 4	3.5 yrs	7.5 yrs	11.5 yrs
1	5,704,371	\$1,150	\$1,640	08/611,642		✓	
2							
3							
4							
5							

Subtotals: Columns 2 &amp; 3

\$1,150

\$1,640

Total Payment \$2,790

☐ \_\_\_\_\_ additional sheets attached for listing additional patents.**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on Form PTO-2038.**

Respectfully submitted, \*\*

Customer's Signature:

Customer's Name: Daniel J. Meaney, Jr.

Registration Number, if applicable: 22179

Telephone: 805-687-6909

Fax: 805-687-4499

Note: All correspondence will be forwarded to the "Fee Address" or to the "Correspondence Address" if no "Fee Address" has been provided. See 37 CFR 1.363.

**Payment of small entity fee is appropriate if small entity status still exists, see 37 CFR 1.27(g). To establish small entity status or to change status from small to large entity, a written assertion is required. See 37 CFR 1.27 and 1.33(b).****\*\* WHERE MAINTENANCE FEE PAYMENTS ARE TO BE MADE BY AUTHORIZATION TO CHARGE A DEPOSIT ACCOUNT, BOTH THE NAME AND SIGNATURE OF AN AUTHORIZED USER ARE REQUIRED.**

This collection of information is required by 37 CFR 1.366. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA. 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: United States Patent and Trademark Office, P.O. Box 371611, Pittsburgh, PA 15250-1611.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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062707 5483 413416/010

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENTEE: FRANZISKA SHEPARD	)	
	)	
UNITED STATES PATENT NO: 5,704,371	)	MAINTENANCE FEE
	)	TRANSMITTAL
ISSUED: JANUARY 6, 1998	)	
	)	
SERIAL NO: 08/611,642	)	
	)	
FILED: MARCH 6, 1996	)	
	)	
FOR: MEDICAL HISTORY DOCUMENTATION	)	
SYSTEM AND METHOD	)	
	)	

Mail Stop Petition  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

COMMUNICATION, PETITION TO ACCEPT UNINTENTIONALLY  
DELAYED PAYMENT OF A MAINTENANCE FEE IN AN EXPIRED PATENT  
(37 C.F.R. §1.378(c)) AND MAINTENANCE FEE TRANSMITTAL FORM

Dear Sir:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for express class mail as EXPRESS MAIL NO. EQ956840632US in an envelope addressed to:

Mail Stop Petition  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450  
on June 27, 2007

(Date)

Typed or printed name of person signing this  
certificate:

Daniel J. Meaney, Jr.

Signature:

Daniel J. Meaney

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OFFICE OF PETITIONS

Enclosed with this COMMUNICATION are the following documents:

- (1) A PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF A MAINTENANCE FEE IN AN EXPIRED PATENT (37 C.F.R. \$1.378(c)) on Form PTO/SB/66;
- (2) A MAINTENANCE FEE TRANSMITTAL FORM on Form PTO/SB/45;
- (3) A check for \$2,790.00 paying the Small Entity Fee Maintenance Fee Amount of \$1,150.00 for the 7.5 year payment and Surcharge Amount of \$1,640.00 due for the above identified United States Patent 5,704,371; and
- (4) A postcard.

The enclosed Petition is being filed within twenty four (24) months after the six (6) month grace period provided for in paragraph (a) of 37 C.F.R. \$1.378.

The enclosed Petition includes:

- (1) The 7.5 year Maintenance Fee for a Small Entity Status in the amount of \$1,150.00 set forth in \$1.20(f);
- (2) The surcharge of \$1,640 set forth in \$1.20(i)(2); and
- (3) A statement that the delay in payment of the Maintenance Fee was unintentional.

The enclosed check in the amount of \$2,790.00 is for payment of the above referenced fees.

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The Commissioner is respectfully requested to accept payment of the Maintenance Fee upon this Petition and to consider this Patent as not having expired, subject to the conditions set forth in 35 U.S.C. § 41(c)(2).

Respectfully submitted,



Daniel J. Meaney, Jr.  
Registration 22179  
Attorney for Patentee

DANIEL J. MEANEY, JR., ESQ.  
P. O. Box 22307  
Santa Barbara, CA 93121  
Telephone: (805) 687-6909

Dated: June 27, 2007

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